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OFFICIAL

Attorney Docket No. C039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Ruth A. Davis
Group : 1651
Applicants : Stephen Keith Wrigley et al.
Application No. : 09/284,806
Filed : June 7, 2001
For : CYTOKINE PRODUCTION INHIBITORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed November 3, 2003 in the above-identified application, Assignee hereby elects with traverse Group I (Claims 1-4) for examination on the merits. The election is made without prejudice or disclaimer. The right to pursue any non-elected subject matter in one or more subsequent patent applications is expressly reserved.

The requirement is traversed because the claims numbered 1-4, 12-14, and 16-24 have Unity of Invention. The provisions concerning Unity of Invention relied upon for the present traversal can be found, *inter alia*, in 37 CFR 1.475(b)(2), MPEP 1850, PCT Rules 13.2 and 13.3, and Annex B to the Administrative Instructions under the PCT Annex B (including the examples in Part 2).

First, 37 CFR 1.475(b)(3) provides that Unity of Invention exists between a product, a process specially adapted to the manufacture of the product, and a process of

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use of said product. Accordingly, the products of Group I are unified with Group IV drawn to a method of making the products of Group I and with Groups VI and VII directed to the uses of the products. Thus, claims 1-4 (Group I) and claims 14, 16 and 18-24 (Groups IV, VI and VII) have Unity of Invention.

Second, Unity of Invention exists where a product has the same essential structural element as an intermediate and the intermediate and the final product are technically interrelated. Here, the final products of Group I are unified with Groups III (claims 12 and 13) and Group V (claim 17 only) directed to fatty acids and methods of making the fatty acids.


Accordingly, examination of Groups III (12-13), IV (14 and 16), V (17 only), VI (18-19) and VII (20-24) with elected Group I (claims 1-4) is respectfully requested.

Two copies of a Petition for Extension of Time Under 37 CFR 1.136(a) for one-month extension of time are filed herewith. No fee, other than the \$55.00 one-month extension fee, is believed necessary in connection with this Response, however, please debit any required fees or credit any overpayment to Deposit Account 50-1986.

Dated: January 2, 2004

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Respectfully submitted,


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